

**State of California
California High Speed Rail Authority
DRAFT
Request for Qualifications Notice
Sacramento - Fresno Regional Environmental/Engineering Work**

Number HSR06-0007

Special Note: Address all questions concerning this Request for Qualifications (RFQ) in writing to the attention of Dan Leavitt at dleavitt@hsr.ca.gov or by fax (916) 322-0827.

All questions or communications related to this RFQ shall be addressed to Mr. Leavitt, through letter, fax or email, and not to any California High-Speed Rail Authority (CHSRA) board member or other staff.

The integrity of the selection process is of the utmost importance to the CHSRA. Failure to comply with the stated process will most likely result in disqualification.

I. GENERAL INFORMATION

- A. The State of California, California High-Speed Rail Authority (CHSRA) is soliciting Statements of Qualifications (SOQs) from qualified firms that may lead to the award of a contract for Sacramento - Fresno Regional Environmental/Engineering Work.
- B. The estimated contract amount has not been determined. For guidance on estimated cost of the preliminary engineering and project-specific environmental work refer to page 30 of “A Blueprint for Building California’s High-Speed Train” available on the CHSRA’s website.
- C. The estimated contract terms are 5 years.
- D. Interviews will be held in Sacramento, CA on a date to be determined. Confirmation letters will be sent to those firms short-listed.
- E. Negotiations will be held with the top ranked firm on a date to be determined.

Key RFQ Dates:

8/23/06	CHSRA board ratifies and authorizes the RFQ
X/XX/06	RFQ advertised and released on the State Contract Register
XX/XX/06	SOQs due to CHSRA office by 4:00 PM
XX/XX/06	Short-list published
XX/XX/06	Oral interviews in Sacramento, CA
XX/XX/06	CHSRA board given recommendation for selection

II. SUBMISSION OF SOQ

The written proposals should outline the FIRM's¹ approach to the project, demonstrate the team's experience and capabilities, and provide hourly rates and overhead costs for all proposed personnel. Proposals should include a brief description of how the FIRM will approach the "Scope of Work" (Section II) and be limited to a total of 60 single pages, or no more than 30 pages double sided.

SOQ – (60 page limit)

- **Transmittal Letter** – The prime consultant transmittal letter is limited to three (3) pages. Please list all the subconsultants with a best estimate (percentage) of utilization for each firm. An individual authorized to obligate the firm or joint venture must sign the prime's transmittal letter. The signatures affixed to and dated on the prime and subconsultant transmittal letters shall constitute a certification under penalty of perjury under the laws of the State of California that the proposer has, unless exempted, complied with State nondiscrimination program requirements (see Nondiscrimination under Section VIII Miscellaneous). An unsigned proposal or one signed by an individual not authorized to bind the proposer will be rejected.

Each subconsultant transmittal letter is limited to one (1) page, and shall state its commitment to the prime consultants firm, indicating the specific portion of the work to be performed by its firm. The person signing the transmittal letter must be authorized to obligate the subconsultant's firm.

The prime consultant shall provide a contact name, email address, phone and fax numbers to which correspondence can be sent.

The prime's authorized representatives signature on the transmittal letter certifies that the information contained in the SOQ is truthful, accurate, and complete at time of submittal.

- **Project Understanding with delineation of Success Factors**
- **Organization Philosophy and Organization Chart**
- **Identification of Key Personnel with Resumes**
- **Qualifications to Undertake Assignment**
- **Project Summaries** - Representative Project Summaries for Similar Work performed in last five years (scope, duration, professional fees, construction value, awards/recognition received, key personnel involved, lessons learned)

¹ As defined by Government Code §4525 "Firm" means any individual, firm, partnership, corporation, association, or other legal entity permitted by law to practice the profession of architecture, landscape architecture, engineering, environmental services, land surveying, and construction project management.

- **References** - A list of five references (for each firm) for projects recently completed with at least three from the projects cited above.
- **Financial Responsibility**

SOQ Package Submittal Instructions

- Seven (7) copies of the SOQ containing all the indicated information shall be submitted. Fax copies will not be allowed. SOQs will be accepted until 4:00 p.m. Pacific Time on date to be determined, and must be directed to:

State of California
California High-Speed Rail Authority
925 L Street, Suite 1425
Sacramento, CA 95814
Attention: Dan Leavitt
Telephone: (916) 322-1397

- The SOQs must be submitted in a sealed package labeled as follows:
 - RFQ Number HSR06-0003
 - Submittal Deadline 4:00 p.m. on date to be determined
 - “DO NOT OPEN”

III. INTRODUCTION

This Request for Qualifications (RFQ) solicits FIRM proposals for the Sacramento - Fresno Regional Environmental/Engineering Work (Work) which includes preparing analyses for one or more site-specific environmental report (EIR)/environmental impact statement (EIS) for the high-speed train segment linking Sacramento and Fresno. The focus of this work will be on the corridor selected as part of the California High-Speed Rail Authority's and Federal Railroad Administration's certified statewide Program EIR/EIS (November 2005). The FIRM is responsible for developing engineering designs to 30%, facility and station area planning, developing environmental data, preparing the site-specific EIR/EIS document(s), and providing right-of-way preservation and acquisition services. The FIRM must therefore develop a proposal to prepare environmental studies and analyses that will be used to satisfy both the state and federal requirements. The California High-Speed Rail Authority (CHSRA) will be the lead state agency, and the Federal Railroad Administration (FRA) will be the lead federal agency.

IV. BACKGROUND

Implementing a high-speed train network in California is the sole and exclusive responsibility of the California High-Speed Rail Authority (CHSRA) established pursuant to Chapter 796 of the Statutes of 1996 (Senate Bill 1420, Kopp and Costa) with a nine-member governing board. (Ca. Public Utilities Code, section 185,000 et seq.) The CHSRA is responsible for preparing a plan and design for the HST system, conducting environmental studies and obtaining necessary permits, and undertaking the construction and operation of a high-speed train passenger network in California.

The CHSRA, in cooperation with the FRA, has completed and certified a program level environmental document for a high-speed train (HST) network over 700 miles long which connects the major metropolitan areas of the state (see Figure 1). The proposed HST system stretches from San Francisco, Oakland and Sacramento in the north –the Central Valley with service throughout -- to Los Angeles, the Inland Empire, Orange County, and San Diego in the south. With electrified, steel-wheel-on-steel rail trains operating at speeds up to 220 mph, the express travel time from downtown San Francisco to Los Angeles will be about 2½ hours. The HST system is being designed to connect with existing rail, air and highway systems. The system is forecast to carry between 42 – 68 million passengers per year by 2020.

The High-Speed Train Alternative is the selected system alternative and was identified as the environmentally preferred alternative under the National Environmental Policy Act (NEPA) as well as the environmentally superior alternative under the California Environmental Quality Act (CEQA).

The CHSRA is moving forward to complete the proposed HST system by 2020. The approved California State Budget for 2006-7 provides \$14.3 million to the CHSRA “to begin project implementation”. Activities funded in 2006-7 include preliminary engineering design and project environmental work, and identification of critical right-of-way acquisitions. The CHSRA has estimated that \$103 million will be needed to continue to move the HST system forward in the next (2007-8) fiscal year. Initial bond funding for HST system construction is proposed for authorization by the voters in 2008 (AB 713’s enactment has delayed the \$10 billion high-speed rail bond measure from November 2006 to November 2008 statewide ballot).

The implementation of a statewide HST system is a significant undertaking that requires expert contractor assistance to serve as advisors, managers and consultants to CHSRA technical staff. CHSRA will utilize the services of a Program Management Consultant (PM) to assist CHSRA in implementing the California HST. The PM, in conjunction with lead CHSRA staff, will assist in the oversight and completion of all ongoing and future work associated with the management and planning of the HST system, including the Work under this contract.

The Sacramento-to-Fresno Regional Environmental/Engineering Work will be one in a series of contracts the CHSRA expects to execute. These contracts will include the PM, a financing plan consultant, a ridership consultant, and a number of “regional environmental/engineering” contracts. Staff currently envisions a need for at least six separate regional environmental/engineering contracts (this Sacramento-to-Fresno Work, Fresno-to-Palmdale, ,Palmdale-to-Los Angeles, Los Angeles-to-Orange County, Los Angeles-to-San Diego (via the Inland Empire), and the Bay Area to Central Valley).

The CHSRA board members will be responsible for making the critical decisions required during the project EIR/EIS process. The CHSRA staff is responsible for recommending appropriate courses of action to the members. The role of the FIRM is to provide objective information and analyses in order to assist the decision-making process.

The FIRM is prohibited from having an interest in the outcome of the Work in accordance with regulations of the Council on Environmental Quality (CEQ (40 CFR 1506.5(c)) and there shall

FIGURE 1
STATEWIDE HST SYSTEM MAP



be no agreement for the duration of this contract between the FIRM and any other party regarding future employment that is contingent upon FIRM performance of the Work. It is understood that the FIRM has not done and will not undertake for the duration of this contract any environmental analysis related to the HST system for any interested party other than the CHSRA, High-Speed Rail Commission, and FRA, unless sanctioned by the CHSRA.

Prospective bidders should consult section 10365.5 of the Public Contract Code in regard to the FIRM's bidding on other CHSRA contracts.

V. SCOPE OF WORK

This Request for Qualifications (RFQ) solicits FIRM proposals for the Sacramento-to-Fresno Regional Environmental/Engineering Work (WORK). The focus of this work will be on the selected corridor as part of the CHSRA's and FRA's certified statewide California High Speed Train Program EIR/EIS and the FRA's Record of Decision (both November 2005) and decisions made during the completion of the ongoing Bay Area-to-Central Valley Program EIR/EIS. The FIRM is responsible for developing engineering, planning, environmental data, preparing one or more project site-specific EIR/EIS document(s) for this HST segment, and for providing right-of-way preservation and acquisition services in this corridor. The project EIR/EIS(s) will include engineering and environmental impact analyses of the HST line and facilities, station development, and connections with other modes of transportation. EIR/EIS process(es) will include the involvement of the public, interested groups, and local, state, and federal agencies with approval or permit responsibilities. The FIRM must develop a proposal to prepare environmental studies and analyses that will be used to satisfy both the state and federal requirements. The CHSRA will be the lead state agency, and the FRA will be the lead federal agency.

The FIRM's technical expertise must be sufficient to satisfy the CHSRA's fiduciary and public responsibilities. The FIRM must demonstrate extensive knowledge and direct experience with the environmental processes as prescribed in the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). The FIRM must have the necessary expertise in: all relevant areas of environmental analysis; HST infrastructure design; civil engineering in the State of California; HST capital and operational cost estimating; freight and passenger rail operations; agency coordination in California; land use planning and regulation; right-of-way preservation and acquisition; and public involvement and outreach programs in order to carry out this WORK.

A public involvement program is part of this contract and will be a part of EIR/EIS process(es) focusing on identification of issues and concerns. Key responsibilities of the FIRM include developing environmental and engineering analyses and implementing a regional public and agency involvement process to assist in identifying issues and concerns in the study area.

In response to this RFQ, the FIRM must submit a work plan. The work plan shall include a proposed approach, management plan, schedule, components and key personnel. Once this contract has been awarded, staff will work with the selected FIRM to revise the work plan and submit it to the CHSRA for approval.

Sacramento-to-Fresno “Work Plan” Elements:

In the work plan, bidders should address, but are not limited to:

- Project Management Plan
- Public Participation Program
- Project Definition
- Preliminary Engineering
- Environmental Impact Analysis
- Station Area Development Planning
- Prepare Draft and Final Project-Level EIR/EIS Documents
- Certification of EIR and Preparation of ROD for EIS
- Permitting and Rights-of-Way Preservation and Acquisition Services

1. Project Management Plan

The Work Plan should identify key personnel, coordination of work activities and sub-consultants and an integrated approach to managing the work effort to control schedule, budget and project quality. Prior to diverting and/or substituting any specified key personnel, the FIRM shall be required to explain and justify the change to the CHSRA in writing and the CHSRA reserves the right to disallow the proposed substituting individual(s).

The FIRM should prepare a schedule for completion of work task, deliverables, key meetings (such as presentations to the CHSRA board) and project milestones. The Project Management Plan must also ensure that the WORK is being undertaken in a technically correct manner that is acceptable to the CHSRA and FRA, as well as other federal, state, regional and local agencies. The schedule should allow sufficient time for necessary reviews and approvals and circulation periods. The FIRM will be responsible for delivering a legally sufficient environmental document and ensuring that the progress of the project is properly reported and documented.

The PM will be responsible for supervising and directing the work of the FIRM. The PM provides continuity throughout the project evolution and is responsible for monitoring, directing and coordinating all aspects of the statewide HST program. The FIRM’s project manager will report to the PM.

The FIRM should designate its own office, or an office of one of the team’s subconsultants in the Sacramento-to-Fresno corridor, that can serve as a “Project Office”. The Project Office can serve as a meeting site for project team meetings and should include access to a large conference room and a spare office for the PM.

2. Public Participation Program

The FIRM is responsible for developing and implementing a public involvement program focused on identifying regional and local issues and concerns of the potential impacts of HST system and for proposing necessary mitigation measures. A key to the success of the FIRM will be their ability to effectively work with the communities within the study region,

affected agencies and interested parties (including Caltrans freight railroads) and organizations.

The FIRM must develop and carry out a detailed public participation plan that includes seeking comments from the general public, interested parties and organizations and responsible agencies (federal, state, regional, and local) regarding alignment, station location, environmental impact, and potential mitigation measures. The FIRM facilitate participation from regulatory and responsible agencies (including resource agency meetings) and assist the CHSRA in establishing Memoranda of Understandings (MOUs) with those agencies where appropriate.

The Work Plan should identify specific methods to be used to encourage participation, group facilitation, and dispute resolution, as well as encourage as much interaction with the communities as possible. The FIRM should suggest an anticipated number of meetings, presentations, and hearings and the appropriate timing for key events relating to major milestones and decision-making points in the process. The Work Program will include participating in selected CHSRA board meetings, organizing technical advisory committee and community meetings, convening of public meetings/workshops/ hearings – including all forums required as part of the EIR/EIS process(es). The FIRM will be responsible for preparing public hearing/meeting packets, presentations and display materials. The FIRM will be responsible for the appropriate documentation of all meetings and forums and preparing a Final Report(s) summarizing the activities and results of the Public Participation Program.

The FIRM will be responsible for creating and maintaining all stakeholder and agency databases needed to support the WORK and the EIR/EIS process(es),. Mailing lists for the WORK would include potentially affected property owners, local elected officials, neighborhood groups, civic groups, professional organizations, business organizations, private and public transit operators, major institutions, transportation advocacy groups, environmental organizations, any local, regional, state and federal agencies and other interested parties. The CHSRA's stakeholder databases developed as part of the statewide Program EIR/EIS process will be made available to the FIRM after the selection process has been completed.

The FIRM will be responsible for setting up and securing meeting sites and all equipment needed for meetings and advertising for meetings. To as great an extent possible the FIRM (with the assistance of the CHSRA) will work with local and regional agencies to utilize public facilities without charge. The FIRM must also work with other agencies and organizations to get their assistance in helping to publicize meetings.

The FIRM will be responsible for providing appropriate information and electronic documents to put on the CHSRA and FRA websites, including a "Most Commonly Asked Questions" Document.

3. Project Definition

The Sacramento-to-Fresno HST corridor has been evaluated for more the 12 years by the California Intercity High-Speed Rail Commission (1993-1996) and the CHSRA (1997-2006). Within this corridor, the California Department of Transportation (Caltrans) operates the “San Joaquins” intercity rail service, and freight is operated by the UPRR and BNSF.

The FIRM will review existing studies, plans and other documents that have been prepared and then summarize as appropriate. It is important that the WORK is consistent with and builds upon the CHSRA’s previous work, and includes the mitigation and design practices included in the HSRA approval of the HST system, and that work efforts are not duplicated. The CHSRA’s certified statewide Program EIR/EIS and the technical reports that support this document, as well as the CHSRA’s Business Plan (June 2000) and the technical studies that support this document are all available on the CHSRA’s website (www.cahighspeedrail.ca.gov). With the FRA, the CHSRA is preparing the Bay Area to Central Valley Program EIR/EIS to select HST corridors in this region. In partnership with the Metropolitan Transportation Commission (MTC) the CHSRA is in the process of developing new ridership and revenue forecasts, initial forecasts will be available to the public in the fall of 2006. The FIRM will not be responsible for developing HST ridership and revenue forecasts, but will use the work of others as appropriate to carry out the WORK.

Based on the review of existing studies and documents, and under the direction of the CHSRA staff in consultation with the FRA, the FIRM will collect any additional data needed to undertake the WORK. Information requirements may include:

- Demographic and land use data and plans
- Existing and future transit systems
- Roadway network
- Freight railroad track charts
- Existing and future travel patterns
- Base maps
- Aerial photos
- Other relevant information

As stated in the CHSRA’s and FRA’s certified statewide Program EIR/EIS, “The UPRR alignment option is the CHSRA and FRA preferred option between Sacramento and Stockton. However, due to CWA Federal regulations, because the UPRR alignment option has more potential impacts to waters and biological resources, the CCT alignment option is included in the HST alternative to be further evaluated in project level environmental review.” (Page 6A-11) In addition, although the BNSF was identified as the preferred alignment between Stockton and Fresno, the CHSRA, in consultation with the FRA identified a broad preferred corridor between the Central Valley and the Bay Area containing a number of route options within which further study will permit the identification of a single preferred alignment option. The preferences for the Stockton to Fresno alignment and stations, which are also within the broad corridor identified for further study between the Central Valley and the Bay Area are subject to change based upon the information provided in the ongoing “Bay Area to Central Valley HST Program EIR/EIS” process.

The Project Definition will include a segment-by-segment alignment description of the HST design options to be investigated in the Project EIR/EIS process(es).

4. Preliminary Engineering

The FIRM is responsible for developing HST design concepts at a sufficient level of detail to develop accurate capital cost estimates, right-of-way requirements, construction staging, traffic and environmental impacts to satisfy CEQA and NEPA requirements. The design concepts will include:

- Plan and Profile drawings of the alignment
- Typical sections
- Special structures and structural modifications
- Electric Traction Facilities and Catenary
- Right-of-way requirements
- Construction Needs and Methods
- Landscaping and amenities
- Station layouts (including parking)
- Renderings of proposed stations
- Locations and functional layouts of support facilities (maintenance, storage, substations, etc.)
- Utility relocation needs
- Bridge reconstructions
- Analysis of freight demands for the corridor
- Impacts of proposed freight operations

The FIRM will develop preliminary engineering (30%) design drawings of the HST alignments, stations and station sites, grade crossings, maintenance facilities, signal and electric power facilities, and bridges or other structures. Design drawings will be used to complete a 30% costs estimate. The FIRM will need to purchase and incorporate into the WORK the appropriate aerial mapping for this task. The FIRM will develop HST cost estimates, documenting all project components. Costs should be presented in current year. Unit costs for systems elements (signaling, communications, and electrification) and HST vehicles will be provided by the PM. HST engineering design criteria, train systems (signaling, communications, and electrification) engineering, operational analysis and costs will be the responsibility of the PM.

The FIRM will develop a staged construction plan for the project. This plan will identify operable project segments or elements of the HST infrastructure (such as grade separations) that could be constructed early and bring near term project benefits to existing rail freight and conventional passenger rail services.

5. Environmental Impact Analysis

This task requires the FIRM to conduct any technical studies necessary to evaluate and assess impacts of the HST Alternatives and No Project Alternative as part of the EIR/EIS process(es), addressing both alignments and proposed station locations. The FIRM will

provide a scope of work for each technical study and impact topic required by CEQA and NEPA that include, but are not limited to:

- Traffic and Circulation
- Travel Conditions
- Air Quality
- Noise and Vibration
- Energy
- Electromagnetic Fields and Electromagnetic Interference
- Land Use and Planning, Communities and Neighborhoods, Property, and Environmental Justice
- Agricultural Lands
- Aesthetics and Visual Resources
- Public Utilities
- Hazardous Wastes and Materials
- Cultural and Paleontological Resources
- Geology and Soils
- Hydrology and Water Resources
- Biological Resources and Wetlands
- Section 4(f) and 6(f) Resources (Public Parks and Recreation, Waterfowl Resources, and Historic Sites)
- Cumulative and Secondary Impacts Evaluation
- Construction Impacts
- Economic Growth and Related Impacts
- Unavoidable Adverse Environmental Impacts

Technical reports should be prepared for each topic of environmental analysis and include a description of the existing environmental conditions (Affected Environment) that could be affected by the No Project and HST Alternatives. The FIRM should propose measures that will be used to define the study area. The various technical studies and corresponding impacts analyses will be incorporated into the Administrative Draft EIR/EIS document(s). As part of the Draft EIR/EIS document(s), the FIRM shall identify and describe in detail all appropriate mitigation measures required to mitigate for the HST Alternative. The Work Plan should identify anticipated fieldwork needed as part of the site-specific environmental analyses and incorporate this into the project schedule.

A preferred HST Alternative will be identified as well as any incremental stages of improvement. The HST Project EIR/EIS document(s) will evaluate in detail the potential for incremental phased implementation leading to completion of the preferred HST Alternative. Site-specific environmental impacts will be addressed to enable the HSRA to reach decisions on the ultimate configuration of the Sacramento - Fresno corridor for all involved rail services as well as any incremental phases of development after the completion of environmental documents.

6. Station Area Development Planning

The FIRM shall perform an evaluation of transit-oriented development (TOD) opportunities within the corridor and develop station area plans. This investigation shall reflect the CHSRA's policies (see Chapter 6B of the Statewide Program EIR/EIS) regarding station area development. The CHSRA has committed to encouraging the adoption of TOD measures and to promote value-capture at and around the locations of HST stations. The CONSULTANT TEAM shall work closely with the local jurisdictions and public in developing HSR station area plans. All station area plans should reflect the values of the community, encourage public participation, and meet the CHSRA's objectives for increasing ridership and providing alternatives to the automobile.

The FIRM will work with local jurisdictions in which potential HST stations would be located to prepare station area plans and will facilitate adoption, amendment of City and County General Plans, and establishment of joint development agreements in the vicinity of HST stations. The FIRM will be responsible for producing station area development plans that incorporate illustrative site layouts and phasing plans which reflect local real estate market conditions. The FIRM will also encourage local governments and communities to use community planning processes to develop regional plans, and conforming amendments to general plans, which would focus development in existing communities and would provide for long-term protection of farmland, habitat, and open space.

7. Prepare Draft and Final Project-Level EIR/EIS Document(s)

The FIRM will prepare the Draft EIR/EIS document(s) and Final EIR/EIS document(s), including necessary administrative review versions. The site-specific EIR/EIS document(s) must satisfy all the requirements of CEQA and NEPA. The Work Plan should specifically identify how compliance with NEPA and CEQA will be achieved.

The FIRM will be responsible for undertaking all activities associated with the development, publishing and circulation of the EIR/EIS document(s) including: initiating the scoping process, preparing the Notice Intent (NOI) and the Notice of Preparation (NOP), creating an NOI/NOP mailing list, noticing and circulation of the NOI/NOP, developing the project Purpose and Need Statement, developing environmental methodologies and evaluation criteria, writing the EIR/EIS document(s), publishing the Notice of Availability, printing, distributing, and circulating the Draft EIR/EIS document(s), developing a summary of public comments, drafting responses to comments (including any additional environmental/engineering work), editing/refining/changing the EIR/EIS document(s) based on PM, CHSRA and FRA direction, printing, preparing and sending notices of availability, and distributing the Final EIR/EIS document(s). The FIRM shall also be responsible for identifying, maintaining (in electronic form and hard copy) and documenting all appropriate records, references, and resource documents/materials used for the preparation of the EIR/EIS document(s).

The FIRM will respond to four rounds of review on the administrative draft EIR/EIS(s): 1) a first round of review by the PM, CHSRA and FRA, 2) a second round of review by cooperating and responsible agencies, 3) final review by the PM, CHSRA, and FRA, and 4)

certification and approval with findings by the CHSRA and clearance and issuance of a ROD by the FRA.

8. Certification of EIR/EIS Document(s) and Permitting

The FIRM will prepare other related environmental documents that are required as part of the certification of the Project EIR/EIS document(s), including Findings and a Statement of Overriding Considerations, the Record of Decision/Notice of Determination, and the Mitigation Monitoring and Reporting Plan.

Upon request by the CHSRA, the FIRM shall prepare applications for and process any and all needed permits from the U.S. Army Corps of Engineers, the U.S. Fish & Wildlife Service, the California Department of Fish and Game, the California Water Quality Control Board, and other regulatory agencies. The FIRM shall identify which permits will be necessary for construction of the project, prepare applications for the permits on behalf of the CHSRA and pay any required fees. The FIRM, under the direction of the PM and HSRA staff, shall act as the “CHSRA’s agent” meeting with and negotiating the conditions for the issuance of environmental permits by the regulatory agencies. Further monitoring of the permitting process may also be required.

9. Rights-of-way Preservation and Acquisition Services

For the portions of the HST line where a defined general alignment has been selected, the FIRM will conduct assessments to identify segments at risk of imminent development or other changes in use that could significantly increase implementation costs and difficulty. The FIRM will develop recommendations for protective advance acquisition consistent with state and federal requirements and will perform any necessary coordination with other federal, state and local agencies and assist the CHSRA in making acquisitions to the extent such acquisitions have been approved and authorized by the HSRA and consistent with available funding. As the project-level document is approved and further acquisition is permitted, the CHSRA will have the FIRM conduct a similar review to prioritize the use of available acquisition funds and assist the CHSRA in making acquisitions as approved and authorized by the CHSRA and consistent with available funding. All services rendered and all acquisitions will conform with the Federal Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

As requested by CHSRA the FIRM will provide assistance to the CHSRA in reaching agreement on terms of access to shared rights-of-way with rail line owners and operators, shared capital and operating costs, types of improvement required to maintain existing operations while allowing high-speed train operations, and other critical matters such as liability indemnification, insurance requirements, and other operational matters. This work may include participating in right-of-way negotiations with the BNSF and the UPRR with the CHSRA.

VI. MISCELLANEOUS**1. Modification or Withdrawal of Submittals**

Any SOQ received may be withdrawn or modified prior to the SOQ submittal date by written request to the CHSRA by the prime consultant.

2. Property Rights

SOQs received will become the property of the State of California, California High-Speed Rail Authority.

3. DVBE Participation (3%)

The contractor maybe subject to the participation goals for disabled veteran business enterprises (DVBE) as set forth in PCC §10115, et seq. The participation goal is 3% for DVBE. Periodically updated DVBE resource information is available on the Office of Small Business Certification and Resources website located at www.pd.dgs.ca.gov/smbus. DVBE goals achieved are expressed as a total participation dollar amount claimed by a DVBE, and are identified on Standard Form 840 (Attachment 3) attached to the contractors SOQ.

3. Confidentiality

Prior to board approval of rankings, all proposals will be designated confidential. After board approval of rankings all SOQs and proposals will become public record and subject to the provisions of the Public Records Act.. Any language purporting to render all or portions of the proposals confidential will be regarded as non effective and will be disregarded.

4. Amendments to Request for Proposals

The CHSRA reserves the right to amend the RFQ Notice by addendum prior to the final date of proposal submission.

5. Non-Commitment of State

This RFQ does not commit the CHSRA to award a contract, to pay any costs incurred in the preparation of an SOQ for this request, or to procure or contract for services or supplies. All products unused or developed in the execution of any contract resulting form this RFQ will remain in the public domain at the at the completion of the contract.

6. Americans with Disabilities Act

The consultants shall assure the CHSRA that it will comply with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA (42 U.S.C. Section 12101 at. Seq.).

7. Nondiscrimination

The consultants shall not unlawfully discriminate, harass or allow any harassment against any employee or applicant for employment because of sex, race, color, ancestry, religious creed, national origin, physical disability (including HIV and AIDS), mental disability, medical condition (cancer), age (over 40), marital status, and denial of family care leave.

The consultants shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. The consultants shall comply with the provisions of the Fair Employment and Housing Act (Government Code, Section 12900 et seq.) and the applicable regulations promulgated thereunder (California Code of Regulations, Title 2, Section 7285.0 et seq.). The applicable regulations of the Fair Employment and Housing Commission implementing Government Code, Section 12990 (a-f), set forth in Chapter 5 of Division 4 of Title 2 of the California Code of Regulations are incorporated into this RFQ by reference and made a part hereof as if set forth in full. The consultants shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement.

The consultants shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under this contract.

8. Conflict of Interest

The following laws apply to entities doing business with the State of California:

A. Consultant(s)

The prospective FIRM shall disclose any financial, business, or other relationship with the California High-Speed Rail Authority, the High-Speed Rail Commission, the Business, Transportation and Housing Agency, or the California Transportation Commission that may have an impact upon the outcome of the contract. The prospective FIRM shall also list current clients who may have a financial interest in the outcome of the contract. The selected FIRM may be required to file a financial Disclosure Statement in accordance with the CHSRA's Conflict of Interest Code.

B. Current State Employees (PCC 10410):

- No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.
- No officer or employee shall contract on his or her own behalf as an independent FIRM with any state agency to provide goods or services.

If the FIRM violates any provision of above paragraphs, such action by the FIRM shall render this Agreement void (PCC 10420).

Members of boards or commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem (PCC 10430(e)).

C. Former State Employees (GC 87406)

- a. Government Code 87406 (d)(1) prohibits a former State officer or employee from entering into a contact with any State agency if,
 - He or she was a designated employee by the same State agency in a position in the same subject area(s) as the proposed contract within the 12 month period prior to his or her separation.
- b. Representation includes any formal or informal appearance, or oral or written communications to the CHSRA or to any of its officers or employees. This would include participation at presentations or interviews, attendance at scoping meetings, participation in negotiations and direct involvement in cost proposal and audit activities. See Government Code section 87406 subparagraph(d) subpart(1).
- c. The categories of former CHSRA employees to whom the prohibition applies are any one or more of the following:
 - A “Designated Employee” as defined in the Government Code Section 82019, to include any officer or employee whose position with the CHSRA:
 - i. Was exempt for the State Civil Service System.
 - ii. Involved the employee in the functions of:
 - Negotiating or signing any competitive awarded contract
 - Decision making in conjunction with the competitive award process
 - Decision making on Emergency Force Account contracts awarded under Public Contract Code Sections 10122.
- d. Former CHSRA employees, included former retired annuitants, proposed in the submittal who meet the criteria above will not be allowed to participate as a proposed team member for this contract.
- e. Violation by consultant(s) of any provisions found in the paragraphs above, shall render every contract or other transaction entered into void unless the violation is technical and non-substantive.

Information regarding conflict of interest as stated in above reference Government Codes may be viewed by visiting the web site: <http://www.leginfo.ca.gov/calaw.html>.

8. **References**

The CHSRA reserves the right to check references. Reference information provided in the SOQ found to be in error may be reflected as a reduction in your evaluation score.

IX. GENERAL CONTRACT PROCESS INFORMATION

A. Consultant Selection and Contract Negotiations

1. The consultants will be selected by means of a dual selection process (evaluation of SOQs followed by an interview of those short-listed).
2. The criterion in Attachment 1 is the basis for the initial evaluation, scoring and ranking of consultant's SOQs to establish a short-list of firms to be interviewed.
3. Those consultants evaluated by a selection committee, and judged to be the best qualified to undertake the services, based upon the combined scores and ranking of the SOQs, will be interviewed and again scored and ranked by the selection committee. The criterion in Attachment 2 is the basis for the evaluation, scoring and ranking interviewed.
4. The contract will be negotiated pursuant to Section 4528 of the California Government Code. A contract with fixed rates of compensation for specific persons will be negotiated with the top-ranked consultant in accordance with GC §4528. If agreement cannot be reached with the top ranked consultant, negotiations will be terminated and negotiations started with the next-ranked consultant for the contract.
5. If the consultant is a corporation, the consultant must certify that the corporation is in good standing to do business in California. Pursuant to Revenue and Taxation Code 23101, "Doing business means actively engaging in any transaction for the purpose of financial or pecuniary gain or profit."
6. If the consultant is selected for the contract and found to have an invalid corporate status with the California Secretary of State's Office, the contract will be voided unless the consultant can provide validity of corporate status within five (5) working days of notifications of intent to cancel.
7. The consultant finally selected must comply with GC §8355 in matters relating to providing a drug-free work place.
8. All work shall be done in accordance with State standards, policies, procedures, regulations and laws.
9. A sealed cost proposal will be required of each short-listed consultant invited to submit a written proposal and participate in oral interviews. Only the cost proposal of the proposed awardee will be opened. All unopened cost proposals will be returned at the conclusion of the award process.

B. Audit Requirement

Contracts for A&E services are subject to standard accounting practices. The CHSRA may require pre-, interim- and/or post-award financial and performance audits as

necessary to ensure contract services are delivered within the agreed schedule and budget.

C. Notification of Award

All consultants that participate in this process will be notified of the final selection.

D. Business License

Consultant firms are not required to obtain a business license until the time of contract signing.